

November 7, 2006

Attn: Jim Lasplina
Water Quality Program
Department of Ecology
P.O. Box 47600
Olympia, WA 47600-7600

RE: Comments on the Pre-preliminary Draft of the Industrial Storm Water General Permit revision.

The Boeing Company submits the attached comments in response to the Washington Department of Ecology draft pre-preliminary revision to the Industrial Storm Water General Permit. Our comments cover the following issues:

- **Permit Coverage:** allowing coverage of less than five acre construction activities of under the Industrial General Stormwater Permit and “no-exposure certificates” for individual outfalls.
- **How to Apply:** submittal of a SWPPP at the time of filing a Notice of Intent and clarification on SEPA and public notice requirements.
- **Stormwater Pollution Prevention Plan (SWPPP):** requirements for comprehensive inventories and clarification on describing use of Storm Water Management Manual BMPs.
- **Inspections:** Clarification on required visual inspections; a suggestion to provide inspection forms; and reporting requirements for identifying illicit discharges.
- **Corrective Actions:** Requirements for evaluating additional sampling for a Level One Corrective Action response; a wording change for Level Two Corrective Action; clarification requested of the Departments use of the word “implement”; and clarification requested of the Department as to use of an extension of the permit boundaries outside of the permit period.

Sincerely,

Ed Cierebiej
Environmental Affairs
Phone: 253-931-3734

S1 Permit Coverage

D. Facilities EXCLUDED from Coverage

6. All construction activities. Operators of these construction activities shall seek coverage under the Construction Stormwater General Permit

We prefer that the Department allowing coverage of construction activities of less than 5 acres under the Industrial Storm Water General Permit. This coverage would significantly reduce administrative burden to permittees and the Department without adverse impact to water quality. Some proposed language was provided by the Department in the preliminary draft of the Construction Storm Water General Permit provided to the Public Advisory Committee in May 2005. The following text is an excerpt of the relevant section

... 4. Permitted Industrial Facilities. Industrial facilities with coverage under the Industrial Stormwater general Permit that also discharge stormwater from construction activities with less than 5 acres of soil disturbance do not require separate coverage under this permit, if all construction activity is located within the permitted facility and the SWPPP adequately addresses stormwater from construction activity in accordance with Special Conditions S4 & S9 of this permit. This exemption may be withdrawn in accordance with General Conditions G4 and G5 of the Industrial Stormwater Permit.

F. Conditional “No Exposure” Certificate

2. f. The “no exposure” determination shall apply to the entire facility, not only to individual outfalls.

Many large industrial facilities have multiple outfalls. Due to the layout and logistics of operating a larger facility it is possible to have one or more outfall that meets the requirements of a conditional “No Exposure” certificate. The 2007 ISWGP should allow larger facilities to pursue “No Exposure” certificates for individual outfalls without having to gain coverage for an entire facility. This will reduce the regulatory burden on the permittee while still maintaining water quality for an entire facility.

S2 How To Apply

A. Obtaining Permit Coverage

3. c. ii. The applicant shall submit its Stormwater Pollution Prevention Plan (SWPPP) to Ecology with the application for coverage. Receipt of the SWPPP by Ecology does not constitute review or approval of the SWPPP contents.

A SWPPP is a dynamic document. Permittees, as required by the permit, should regularly update their SWPPP. Submission of a SWPPP to the Department at the time of application for permit coverage is an unnecessary requirement that doesn't provide the Department with up to date information. The permit already requires that a SWPPP be available upon request by the Department and interested public parties upon request (section S3. A. 4.) The requirement for submission of a SWPPP should be removed from the permit.

3. c. iv. The applicant shall comply with the State Environmental Policy Act (SEPA) as part of a complete application.

The Department should provide clarification as to whether a SEPA determination is required prior to submission for ISWGP coverage or whether submission of a SEPA application is sufficient. If a SEPA determination is required prior to submission of an ISWGP request for coverage, the permittee may experience undue delay while waiting for review of a SEPA application by the Agency with jurisdiction for SEPA implementation.

3. c. v. The applicant shall complete public notice requirements before receiving permit coverage.

The Department should provide clarification as to whether this section is referencing public notice requirements as outlined in the State Environmental Policy Act. Withholding ISWGP coverage for SEPA requirements will cause delay in implementation of the provisions of the ISWGP and will cause undue burden on permittees without benefit of improved water quality.

4. b. The permittee shall complete public notice requirements before receiving modification of permit coverage.

See comments above regarding public notice.

4. e. The permittee shall revise and submit the SWPPP to Ecology with the application for coverage. Receipt of the SWPPP by Ecology does not constitute review or approval of the SWPPP contents.

See comments above regarding submission of SWPPP.

D. Permit Coverage Commencement

Ecology intends to notify applicants by mail of their status concerning coverage under this permit within 60 days of completion of all application requirements including compliance with SEPA and public notice requirements.

See comments above regarding SEPA determinations and public notice requirements. SEPA determination and public notice requirements are already clearly outlined in the State Environmental Policy Act. By tying ISWGP coverage to SEPA implementation on permittees the Department is generating delay and redundant requirements on implementation of facility storm water management with out impacting water quality.

S3 Stormwater Pollution Prevention Plan (SWPPP)

B. Specific SWPPP Requirements

2. b. viii. roofs or other surfaces composed of materials that may be mobilized by stormwater (e.g. galvanized or copper roofs or galvanized fences).

The inventory shall be as complete as possible (including incidental sources such as tire wear or equipment leaks).

For large facilities, a comprehensive inventory would be a huge undertaking. Many of our facilities consist of large buildings with multiple roof penetrations for exhaust stacks and HVAC equipment. If a facility is experiencing an inability to attain benchmark levels and has exceeded action levels for zinc a comprehensive inventory would be appropriate to complete as part of an effort to identify sources. Creating and maintaining a comprehensive inventory in absence of a benchmark attainment problem is an unreasonably expensive and time consuming requirement that adds no benefit to water quality.

B. Specific SWPPP Requirements

3. d. The permittee shall:
 - i. describe each BMP selected to eliminate or reduce the potential to contaminate stormwater.

The Department should clarify that this requirement is only for those permittees who choose to utilize demonstrative BMPs rather than BMPs specified in the approved Storm Water Management Manuals. This may be done by referencing section S3. A. 3. d.

S7 Inspections

A. Inspection Frequency

2. The Permittee shall conduct visual inspections of the site each time a storm water discharge is sampled.

Please provide clarification that visual inspections should occur at sampling locations only or whether visual inspections should be completed at all outfalls regardless of whether sampling has occurred or not.

S7 Inspections

B. Inspection Components & C. Dry Season Inspections

Please provide forms for these inspections to facilitate a consistent format and content for all permittees.

C. Dry Season Inspections

4. a. If a non-stormwater discharge is discovered, the Permittee shall notify Ecology within seven days.

This reporting requirement is redundant requirement. Several other environmental regulations require immediate reporting to the Department (e.g. SPCC, Dangerous Waste Regulations, etc.). An additional reporting requirement adds administrative burden on all Permittees. It would be more appropriate to have illicit non-stormwater discharges be reported through these other regulatory avenues immediately then have the illicit non-stormwater discharge reported on the next DMR that was submitted by a permittee.

S8 Corrective Actions

It would be helpful for permittees if the Department prepared a chart to graphically display the timeframe and requirements of corrective actions.

A. Level One Corrective Action

1. b. Evaluate the need for additional storm water sampling locations to identify possible sources that are causing sampling results to exceed the benchmark value.

Additional sampling should be evaluated and implemented in response to a Level Two Corrective Action. The time and effort expended to complete an evaluation activity at a Level One Corrective Action is an unreasonable burden on permittees. When a benchmark is exceeded due to a one time anomaly or one time condition that is corrected by adjusting implementation of BMPs, the evaluation of potential sampling locations is an excessive response to a condition that would not be repeated and thus additional sampling would not be needed.

B. Level Two Corrective Action

2. b. Evaluate all available options of capital BMPs and operational source control BMPs to reduce stormwater contaminant levels to or below benchmark values.

Revise this section to state..."Evaluate all approved available options of ..." and also reference the Storm Water Management Manuals.

B. Level Two Corrective Action

2. c. Within six months of starting a Level Two Corrective Action, implement the necessary additional capital BMPs identified in subsection 2 above.

Please provide clarification as to the definition of "implement". Many capital improvements will take significantly more than six months to fully implement. Could take six months to secure funding and establish engineering design of a capital improvement. By the time the funding and design are in place it may be at a time when construction is inappropriate due to weather conditions. It would be more appropriate to require that funding, engineering design and a schedule for implementation be completed within six months or less.

C. Level Three Corrective Action

For samples taken after December 31, 2004, if any four samples for the same parameter exceed an action level in Table 2 or Table 6 the Permittee shall:

Please clarify why a specified date is included in this corrective action level. The corrective action level should not exceed the permit period. This requirement reaches back into previous history for which a permittee may or may not have sufficient data to comply. This is particularly true if the permittee is newly covered under the ISWGP.

S9 Reporting and Recordkeeping

A. Reporting

8. The Permittee shall submit the DMR whether or not the facility has discharged stormwater from the site. If no stormwater was discharged from the site during a given reporting period, the Permittee shall submit the DMR form electronically or by mail marking the “no sample obtained” check box.

The wording should be revised to “If a sample has not been obtained from the site during...”. This will eliminate confusion as to whether a DMR must be submitted if no samples were taken.